

571—46.22 (321I) Definitions. For purposes of this division, the following definitions shall apply:

“Consumer use” means use of an all-terrain vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle in conformance with Iowa Code chapter 321I.

“Dealer” means a person engaged in the business of buying, selling, or exchanging all-terrain vehicles required to be registered under Iowa Code chapter 321I and this chapter and who has an established place of business for that purpose in this state.

“Designated location” means the primary place of business of the dealer or a building actually occupied by a dealer where the public and the department may contact the dealer during regular business hours.

“Distributor” means a person, resident or nonresident, who sells or distributes all-terrain vehicles to all-terrain vehicle dealers in this state or who maintains distributor representatives.

“Engaged in the business,” or similar wording, means doing any of the following acts for the purpose of selling all-terrain vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five all-terrain vehicles during a 12-month period may be presumed to be engaged in the business.

“Established place of business” means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer’s or manufacturer’s business is primarily transacted.

“Manufacturer” means a person engaged in the business of constructing or assembling all-terrain vehicles required to be registered under Iowa Code chapter 321I and this chapter and who has an established place of business for that purpose in this state.

“Manufacturer’s certificate of origin” means a certification signed by the manufacturer, distributor or importer that the all-terrain vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer’s certificate of origin may also be referred to as a manufacturer’s statement of origin.